



*Election/ #15*

PATENT

Docket No. 110.01130101

*J 1017.02*

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): MCCARTHY et al. ) Group Art Unit: 1653  
Serial No.: 09/600,432 ) Examiner: David Lukton  
Confirmation No.: 3387 )  
Filed: October 2, 2000 )  
For: PEPTIDES WITH  $\beta$ 1 INTEGRIN SUBUNIT DEPENDENT CELL  
ADHESION MODULATING ACTIVITY

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**RESPONSE TO RESTRICTION REQUIREMENT**

Assistant Commissioner for Patents  
Washington D.C. 20231

Dear Sir:

In response to the Restriction Requirement mailed February 19, 2002, Applicants elect, with traverse, Group 1 (claims 1-11), drawn to peptides, limited to peptides consisting of six amino acids. Applicants reserve the right to pursue examination of the non-elected claims in continuation or divisional applications.

Applicants respectfully request reconsideration and withdrawal or modification of the restriction requirement. It is respectfully submitted that the inventions as claimed can be readily evaluated in one search without placing undue burden on the Examiner. That is, all the claims are so interrelated that a search of one group of claims will reveal art to the others.

Were restriction to be effected between the claims of Groups 1-12, a separate examination of the claims in these twelve groups would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups 1-12 would have to be as rigorous as when only the claims of Group 1, for example, were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims in Groups 1-12, it would place an undue burden by requiring payment of eleven separate filing fees for examination of the nonelected claims, as well as the

**Response to Restriction Requirement**

Page 2 of 2

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added costs associated with prosecuting twelve applications and maintaining twelve patents.

With respect to the Examiner's election of species requirement, Applicants elect, with traverse, a single disclosed species consisting of PRARIY. Applicants traverse on the grounds that the generic claim includes sufficiently few species that a search and examination of all the species at one time would not impose a serious burden on the Examiner. It is in any event understood that (a) the requirement will be withdrawn upon the finding of an allowable genus; and (b) any species withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected or allowed claims.

The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number if prosecution of this application may be assisted thereby.

Respectfully submitted for

MCCARTHY et al.

By

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**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 13 day of March, 2002.

Ann M. Muetting

March 13, 2002  
Date

AMM/skd

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1653  
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Applicant(s): MCCARTHY et al.

Group Art Unit: 1653

Serial No.: 09/600,432

Examiner: David Lukton

Filed: October 2, 2000

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Title: PEPTIDES WITH  $\beta$ 1 INTEGRIN SUBUNIT DEPENDENT CELL ADHESION  
MODULATING ACTIVITY

APR 01 2002  
TECH CENTER 1600/2900

Assistant Commissioner for Patents  
Washington, D.C. 20231

We are transmitting the following documents along with this Transmittal Sheet (which is submitted in triplicate):

- ☒ An itemized return postcard.  
☐ A Petition for Extension of Time for \_\_\_ month(s) and a check in the amount of \$\_\_\_ for the required fee.  
☐ An Information Disclosure Statement (\_\_\_ pgs); copies of \_\_\_ applications; 1449 forms (\_\_\_ pgs); and copies of \_\_\_ documents cited on the 1449 forms.  
☐ A check in the amount of \$\_\_\_, for \_\_\_.  
☐ A certified copy of a \_\_\_ application, Serial No. \_\_\_, filed \_\_\_\_\_, the right of priority of which is claimed under 35 U.S.C. §119.  
☒ Other: Response to Restriction Requirement (2 pgs.).  
☐ Amendment \_\_\_ No Additional fee is required. \_\_\_ The fee has been calculated as shown:

Fee Calculation for Claims Pending After Amendment					
	Pending Claims after Amendment (1)	Claims Paid for Earlier (2)	Number of Additional Claims (1-2)	Cost per Additional Claim	Additional Fees Required
Total Claims				x \$18 =	
Independent Claims				x \$84 =	
One or More New Multiple Dependent Claims Presented? If Yes, Add \$280 Here →					
Total Additional Claim Fees Required					

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 13-4895. Triplicate copies of this sheet are enclosed.

**CERTIFICATE UNDER 37 C.F.R. §1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper(s), as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 13 day of March, 2002.

MUETING, RAASCH & GEBHARDT, P.A.

Customer Number: 26813



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(LARGE ENTITY TRANSMITTAL UNDER RULE 1.8)